

**U.S. District Court
Northern District of Texas (Fort Worth)
CIVIL DOCKET FOR CASE #: 4:18-cv-00759-O-BP**

Manning v. Powell et al
Assigned to: Judge Reed C. O'Connor
Referred to: Magistrate Judge Hal R. Ray, Jr
Cause: 15:1692 Fair Debt Collection Act

Date Filed: 09/13/2018
Jury Demand: None
Nature of Suit: 895 Other Statutes:
Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff**Tabrenia Manning**

represented by **Tabrenia Manning**
PO Box 60632
Fort Worth, TX 76115
PRO SE

V.

Defendant

Scott Powell
doing business as
CEO

represented by **Brent William Martinelli**
Quintairos, Prieto, Wood & Boyer, P.A.
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ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

Defendant**Santander Consumer USA Inc**

represented by **Brent William Martinelli**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Frank Alvarez
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/13/2018	<u>1</u>	COMPLAINT against Scott Powell filed by Tabrenia Manning. (Filing fee \$400.00; Receipt number FW031321) Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: Attorney Information – Bar Membership . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (bdb) (Entered: 09/14/2018)

09/13/2018	<u>2</u>	New Case Notes: A filing fee has been paid. CASREF case referral set (see Special Order 3). Magistrate Judge Ray preliminarily assigned. No prior sanctions found. (For court use only – links to the <u>national</u> and <u>circuit</u> indexes.) File to: No court file needed. Pursuant to Misc. Order 6, Plaintiff is provided the Notice of Right to Consent to Proceed Before A U.S. Magistrate Judge. Clerk to provide copy to plaintiff if not received electronically. (bdb) (Entered: 09/14/2018)
09/13/2018	<u>3</u>	Notice and Instruction to Pro Se Party. (bdb) (Entered: 09/14/2018)
10/05/2018	<u>4</u>	Exhibits to <u>1</u> Complaint,, by Plaintiff Tabrenia Manning. (wrp) (Entered: 10/05/2018)
11/05/2018	<u>5</u>	Summons Issued as to Scott Powell. (tln) (Entered: 11/05/2018)
11/05/2018	<u>6</u>	NOTICE OF LAWSUIT AND REQUEST TO WAIVE SERVICE OF SUMMONS filed by Tabrenia Manning. (tln) (Entered: 11/05/2018)
12/12/2018	<u>7</u>	SUMMONS Returned Executed as to Scott Powell; served on 12/11/2018. (tln) (Entered: 12/12/2018)
12/19/2018	<u>8</u>	CERTIFICATE OF SERVICE by Lolitia Andrews on behalf of Plaintiff re <u>5</u> Summons <u>1</u> Complaint,, (edm) (Entered: 12/19/2018)
12/19/2018		***Clerk's Notice of delivery: (see NEF for details) Docket No:2,3. Wed Dec 19 16:00:28 CST 2018 (crt) (Entered: 12/19/2018)
12/26/2018	<u>9</u>	MOTION for Entry of Default filed by Tabrenia Manning. (bdb) (Entered: 12/27/2018)
12/26/2018	<u>10</u>	CERTIFICATE OF SERVICE filed by Tabrenia Manning. (bdb) (Entered: 12/27/2018)
12/26/2018	<u>11</u>	Affidavit in Support filed by Tabrenia Manning re <u>9</u> MOTION for Entry of Default. (bdb) (Entered: 12/27/2018)
12/28/2018	<u>12</u>	DEFENDANTS' 12(b)(1) MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION AND 12(b)(6) MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Scott Powell and Santander Consumer USA Inc. (Attachments: # <u>1</u> Exhibit(s) A – Affidavit of James Jackson, # <u>2</u> Exhibit(s) B – Report and Recommendation of United States Judge Mazzant)Attorney Frank Alvarez added to party Scott Powell and Santander Consumer USA Inc (pty:dft) (Alvarez, Frank) Modified filers on 12/31/2018 (bdb). (Entered: 12/28/2018)
12/28/2018	<u>13</u>	ANSWER to <u>1</u> Complaint,, filed by Scott Powell and Santander Consumer USA Inc. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms and Instructions found at www.txnd.uscourts.gov , or by clicking here: <u>Attorney Information – Bar Membership</u> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Alvarez, Frank) Modified filers on 12/31/2018 (bdb). (Entered: 12/28/2018)
12/31/2018	<u>14</u>	ORDER. On December 28, 2018, Defendants filed their Motion to Dismiss (ECF No. 12). Pursuant to Local Civil Rule No. 7.1(e), if Plaintiff opposes the Motion, she shall file a response and brief on or before January 18, 2019. (Ordered by Magistrate Judge Hal R. Ray, Jr on 12/31/2018) (trt) (Entered: 12/31/2018)
12/31/2018		***Clerk's Notice of delivery: (see NEF for details) Docket No:14. Mon Dec 31 09:14:16 CST 2018 (crt) (Entered: 12/31/2018)
01/02/2019	<u>15</u>	ORDER denying <u>9</u> Motion for Entry of Default (Ordered by Magistrate Judge Hal R. Ray, Jr on 1/2/2019) (trt) (Entered: 01/02/2019)
01/02/2019		***Clerk's Notice of delivery: (see NEF for details) Docket No:15. Wed Jan 2 13:31:32 CST 2019 (crt) (Entered: 01/02/2019)
01/18/2019	<u>16</u>	REPLY filed by Tabrenia Manning re: <u>13</u> Answer to Complaint. (bdb) (Entered: 01/22/2019)
01/18/2019	<u>17</u>	OBJECTION filed by Tabrenia Manning re: <u>12</u> MOTION to Dismiss Motion to Dismiss for Failure to State a Claim MOTION to Dismiss for Lack of Jurisdiction . (bdb) (Entered: 01/22/2019)

01/18/2019	<u>18</u>	MOTION for Leave to File Amended Complaint filed by Tabrenia Manning. (bdb) (Entered: 01/22/2019)
01/22/2019	<u>19</u>	ORDER: It is, therefore, ORDERED that Plaintiff shall file the required certificate of conference indicating whether the Motion is unopposed or opposed, as required by Local Rule 7.1, on or before January 28, 2019. (Ordered by Magistrate Judge Hal R. Ray, Jr on 1/22/2019) (skg) (Entered: 01/22/2019)
01/22/2019		***Clerk's Notice of delivery: (see NEF for details) Docket No:19. Tue Jan 22 10:53:43 CST 2019 (crt) (Entered: 01/22/2019)
01/28/2019	<u>20</u>	CERTIFICATE of Conference re <u>18</u> MOTION for Leave to File Amended Complaint by Tabrenia Manning. (tln) (Entered: 01/28/2019)
01/29/2019	<u>21</u>	ORDER granting <u>18</u> Motion for Leave to File Amended Complaint. (Unless the document has already been filed, clerk to enter the document as of the date of this order.) Responses due by 2/12/2019. (Ordered by Magistrate Judge Hal R. Ray, Jr on 1/29/2019) (skg) (Entered: 01/29/2019)
01/29/2019		***Clerk's Notice of delivery: (see NEF for details) Docket No:21. Tue Jan 29 15:02:57 CST 2019 (crt) (Entered: 01/29/2019)
01/29/2019	<u>22</u>	AMENDED COMPLAINT against All Defendants filed by Tabrenia Manning. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: Attorney Information – Bar Membership . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (skg) (Entered: 01/29/2019)
01/30/2019	<u>23</u>	ORDER REQUIRING SCHEDULING CONFERENCE AND REPORT FOR CONTENTS OF SCHEDULING ORDER: The Joint Report shall be filed on or before February 27, 2019. (Ordered by Magistrate Judge Hal R. Ray, Jr on 1/30/2019) (skg) (Entered: 01/30/2019)
01/30/2019		***Clerk's Notice of delivery: (see NEF for details) Docket No:23. Wed Jan 30 09:28:21 CST 2019 (crt) (Entered: 01/30/2019)
02/11/2019	<u>24</u>	DEFENDANTS' AMENDED 12(b)(1) MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION AND 12(b)(6) MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Scott Powell, Santander Consumer USA Inc with Brief/Memorandum in Support. (Attachments: # <u>1</u> Exhibit(s) A – Affidavit of James Jackson, # <u>2</u> Exhibit(s) B – Report and Recommendation of United States Judge Mazzant) (Martinelli, Brent) (Entered: 02/11/2019)
02/11/2019	<u>25</u>	AMENDED ANSWER to <u>22</u> Amended Complaint filed by Scott Powell, Santander Consumer USA Inc. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: Attorney Information – Bar Membership . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Martinelli, Brent) (Entered: 02/11/2019)
02/13/2019	<u>26</u>	ORDER: Plaintiff shall file her response to the Motion <u>24</u> on or before March 4, 2019. (Ordered by Magistrate Judge Hal R. Ray, Jr on 2/13/2019) (skg) (Entered: 02/13/2019)
02/13/2019		***Clerk's Notice of delivery: (see NEF for details) Docket No:26. Wed Feb 13 15:07:39 CST 2019 (crt) (Entered: 02/13/2019)
02/19/2019	<u>27</u>	REPLY filed by Tabrenia Manning re: <u>25</u> Amended Answer. (tln) (Entered: 02/19/2019)
02/19/2019	<u>28</u>	OBJECTIONS TO <u>24</u> DEFENDANT'S AMENDED 12(b)(1) MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION; AMENDED 12(b)(6) MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM AND MOTION TO STRIKE DEFENDANT'S AFFIDAVIT, filed by Tabrenia Manning. (tln) (Entered: 02/19/2019)

02/26/2019	<u>29</u>	Defendants' Response to Plaintiff's Objections to Defendants' 12(b)(1) Motion to Dismiss for Lack of Subject Matter Jurisdiction and 12(b)(6) Motion to Dismiss for Failure to State a Claim and Response to Plaintiff's Motion to Strike Defendants' Affidavit and in support thereof filed by Scott Powell, Santander Consumer USA Inc re: <u>28</u> MOTION to Strike <u>24</u> Amended MOTION to Dismiss for Lack Jurisdiction <i>and 12(b)(6) Motion to Dismiss for Failure to State a Claim (Martinelli, Brent) (Entered: 02/26/2019)</i>
02/27/2019	<u>30</u>	Joint STATUS REPORT filed by Scott Powell, Santander Consumer USA Inc. (Martinelli, Brent) (Entered: 02/27/2019)
02/27/2019	<u>31</u>	SCHEDULING ORDER: Joinder of Parties due by 7/5/2019. Amended Pleadings due by 7/5/2019. Motions due by 9/20/2019. Deadline for mediation is on or before 8/16/2019. Discovery due by 11/15/2019. This case was referred to the undersigned United States Magistrate Judge for pretrial management. The United States District Judge will set the trial date and the dates for the remaining pretrial schedule in a subsequent order. (Ordered by Magistrate Judge Hal R. Ray, Jr on 2/27/2019) (skg) (Entered: 02/27/2019)
02/27/2019		***Clerk's Notice of delivery: (see NEF for details) Docket No:31. Wed Feb 27 11:14:57 CST 2019 (crt) (Entered: 02/27/2019)
03/04/2019	<u>32</u>	BRIEF and RESPONSE filed by Tabrenia Manning re: <u>24</u> AMENDED 12(b)(1) MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION; AMENDED 12(b)(6) MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM. (tln) (Entered: 03/04/2019)
03/19/2019	<u>33</u>	ORDER: It is therefore ORDERED that Defendants shall file any response they wish to make to Plaintiff's sur-reply <u>32</u> on or before April 2, 2019. (Ordered by Magistrate Judge Hal R. Ray, Jr on 3/19/2019) (skg) (Entered: 03/19/2019)
03/19/2019		***Clerk's Notice of delivery: (see NEF for details) Docket No:33. Tue Mar 19 13:48:29 CDT 2019 (crt) (Entered: 03/19/2019)
03/19/2019	<u>34</u>	***STRICKEN/UNFILED PER ORDER <u>35</u> *** PLAINTIFFS' BRIEF and RESPONSE TO DEFENDANT(S) RESPONSE TO PLAINTIFF'S OBJECTIONS TO DEFENDANT'S 12(b)(1) MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION; 12(b)(6) MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM AND RESPONSE TO PLAINTIFF'S MOTION TO STRIKE DEFENDANTS' AFFIDAVIT filed by Tabrenia Manning. (tln) Modified on 3/20/2019 (skg). (Entered: 03/19/2019)
03/20/2019	<u>35</u>	Order: The Clerk of the Court is therefore DIRECTED to STRIKE and UNFILE Plaintiff's sur-reply (ECF No. <u>34</u>). (Ordered by Magistrate Judge Hal R. Ray, Jr on 3/20/2019) (skg) (Entered: 03/20/2019)
03/20/2019		***Clerk's Notice of delivery: (see NEF for details) Docket No:35. Wed Mar 20 14:49:04 CDT 2019 (crt) (Entered: 03/20/2019)